

Appl. No. : 10/811,783
Filed : March 29, 2004

REMARKS

In response to the Office Action mailed January 12, 2005, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendment and the following comments. As a result of the amendments listed above, no claims have been added, amended or canceled. The reference to prior applications has been amended.

In the changes made by the current amendment, ~~deletions are shown by strikethrough~~, and additions are underlined.

Priority Claim Is Proper

The specification presently stands objected to for not complying with 35 U.S.C. § 120 in connection with the claim of priority to earlier filed applications. Applicant respectfully submits that the reference to the prior applications was made in the first paragraph of the amended specification mailed on August 9, 2004 in response to the Notice of Missing Parts. The specification is amended herein to update the status of the prior application and provide the patent number.

The claim of priority was also made in the transmittal that accompanied the filing of the present application. The claim of priority was acknowledged in the original filing receipt mailed by the Office on June 8, 2004. Accordingly, no fee is believed to be necessary in connection with the submittal or amendment of the reference to the prior applications.

A Terminal Disclaimer Is Filed Herewith To Obviate The Double Patenting Rejection

Claims 4-13 presently stand rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over certain claims of U.S. Patent No. 6,712,541. In response, Applicant has filed herewith a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome the present rejection. Reconsideration and withdrawal of the present rejection of Claims 4-13 is respectfully requested.

Appl. No. : 10/811,783
Filed : March 29, 2004

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Curtiss C. Dosier at (949) 721-7613 (direct line), to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 11, 2005

By: 

Curtiss C. Dosier
Registration No. 46,670
Attorney of Record
Customer No. 20,995
(949) 760-0404

1435224_l: elk
032205

BEST AVAILABLE COPY